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June 7, 2013

VIA ECFS

Marlene Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: American Cable Association (“ACA”) *Ex Parte*; Modernizing the Form 477 Data Program, WC Docket No. 11-10; Development of Nationwide Broadband Data, WC Docket No. 07-38; Service Quality, Customer Satisfaction, Infrastructure and Operating Data Gathering, WC Docket No. 08-190; and Review of Wireline Competition Bureau Data Practices, WC Docket No. 10-132

Dear Ms. Dortch:

On June 5, 2013, Ross Lieberman (ACA) and Thomas Cohen (Kelley Drye & Warren LLP) had a telephone call with the following Wireline Competition Bureau staff: Steve Rosenberg, Lisa Gelb, Jamie Susskind, Rodger Woock, Chelsea Fallon, Nese Guendelsberger, and Ken Lynch. The purpose of the meeting was to discuss the Commission’s Notice of Proposed Rulemaking in the above-referenced dockets regarding data collection on the FCC Form 477.

In regard to the submission of availability data, Mr. Lieberman stated that some ACA members who participate in the National Telecommunications and Information Administration (NTIA) mapping process do not provide data on the census block level to the State Broadband Initiative (SBI) grantees responsible for populating the National Broadband Map. Instead, they provide address information, and the SBI grantees convert the data into census blocks. In a June 5, 2013 letter to Acting Chairwoman Clyburn, Larry Strickling, Assistant Secretary for Communications and Information, at the Department of Commerce (NTIA), set forth this process:

While SBI grantees prefer that all service providers submit their data in a format consistent with NTIA’s technical specifications, smaller providers, in particular, often do not have the resources to provide their data in this fashion...SBI grantees have taken the data supplied by providers, or the data that they have captured from other sources, in the

Marlene H. Dortch
June 7, 2013
Page Two

format in which it was presented to develop a dataset that matches what each service provider believes that it offers.

Mr. Strickling then recommended that the Commission “implement processes to offer direct technical assistance to small broadband service providers that may lack technical staff to collect and present their broadband availability information in a format that meets the technical specifications established for the Form 477 process.”¹

ACA supports Mr. Strickling’s recommendation, and it urges the Commission, if it takes over the process of collecting availability data, to provide the same level of service to smaller operators as the SBI grantees now provide.

ACA also supports the Commission developing a client-side application that would facilitate the provision of data by smaller operators.² However, it is concerned that if the application is not available for these smaller operators to use prior to filing the revised Form 477, there would be a burden on these small operators that must be addressed by the Commission.

Mr. Lieberman noted that for a variety of reasons a small provider may not submit some or all broadband deployment data to SBI grantees prior to the filing deadline for the revised Form 477.³ For example, a provider may deploy broadband service after the SBI grantee last

¹ See Letter from Larry Strickling, Assistant Secretary for Communications and Information, at the Department of Commerce to Acting Chairwoman Mignon L. Clyburn, WC Docket No. 11-10 at 2-3 (June 5, 2013). In this letter, Mr. Strickling elaborates on this issue and his recommendation: “The technical assistance that the SBI grantees performed for these smaller providers ensured a timely and accurate submission process that would also be valuable to use in the Form 477 process. Additionally, the FCC should consider implementing a data intake system that is not predicated on extensive information technology skills of the broadband service provider. SBI grantees have developed a number of data intake processes that do not demand expertise with information technology systems and they are able to share this information with the FCC.”

² ACA notes that working with the application could be complicated and time consuming, especially for smaller operators without employees knowledgeable in using client-side applications. Therefore, ACA would like to work with the Commission in developing the application and evaluate it and the revised Form 477 prior to the imposition of new obligations.

³ This means that in select instances, the National Broadband Map will not reflect all broadband deployments by small operators. Thus, ACA cautions the Commission on assuming that a small provider can comply with the new Form 477 regime by just using existing data on the National Broadband Map and updating it. Rather, some small

KELLEY DRYE & WARREN LLP

Marlene H. Dortch
June 7, 2013
Page Three

collects data. As a result, these providers' service areas would not be reflected on the final version of the National Broadband Map, and they would face significant burdens in meeting the obligations in the new Form 477. ACA urges the FCC to address this problem and ensure that the rules are not unduly burdensome for these operators.⁴

This letter is being filed electronically pursuant to section 1.1206 of the Commission's rules.

Sincerely,



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providers will need to engage in much more extensive efforts to comply with new obligations.

⁴ ACA notes that the Commission is obligated to comply with the Paperwork Reduction Act (44 U.S.C. §§ 3501-3520). A key requirement of this statute is that the Commission should minimize the time, effort, and financial resources that small businesses need to expend to comply with its regulations.